

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIANATIONAL URBAN LEAGUE, and
others,

Plaintiffs,

v.

WILBUR L. ROSS, JR., and others,
Defendants.

Case No. 20-cv-05799 LHK

**SECOND ORDER AFTER IN
CAMERA REVIEW AS TO
DELIBERATIVE PROCESS
PRIVILEGE ASSERTED BY
DEFENDANTS; ADDENDUM ON
FORMAT OF PRODUCTION**

This order attaches to it rulings by the undersigned Magistrate Judges on individual privilege log entries where defendants asserted the deliberative process privilege in two privilege logs (ECF 106, 154-2), with supplemental information and argument in ECF 172. The ruling is indicated in the far right column. These rulings are a product of the legal framework and analysis set forth in the order earlier today at ECF 179. “Sustained” or “Privileged Sustained” means the defendants have met their burden and the document or redaction is found to be appropriate. Where the privilege is “Overruled” or “Privilege Overruled” that means the defendants have not met their burden and the document must be produced and filed without privilege redaction (except for PII redaction), unless the Court determined in the order at ECF 174 that the attorney-client privilege applies.

1 All documents ordered to be produced in this order must be produced and filed in
2 unredacted form (except for redacted PII) by midnight Pacific time today, September 20.

3 Addressing an email from defendants' counsel Alexander Sverdlov (copying
4 plaintiffs' counsel) at 3:49 p.m. today, with a response by plaintiffs' counsel shortly after,
5 the production may be made through a secure FTP site, provided it is accessible to Judge
6 Koh's chambers and to plaintiffs' counsel. A public version of the produced documents
7 (with PII redactions) must then be filed in ECF by noon on September 22.

8 For the planning purposes of counsel, they should know that additional privilege
9 orders are expected tonight.

10 **IT IS SO ORDERED.**

11
12 Dated: September 20, 2020



13 NATHANAEL M. COUSINS
14 United States Magistrate Judge

15 /S/

16 SUSAN VAN KEULEN
17 United States Magistrate Judge

18 /S/

19 THOMAS S. HIXSON
20 United States Magistrate Judge